IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL No. 230 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04/09/2004 in WP No. 8427 OF 2004 on the file of the High Court.)

Between:

V. Komaraiah, S/o. Balaiah,
MIG/G, ECIL, R/o. H.No. 546-MIG.II, KPHP Colony, Hyderabad.

..... APPELLANT

AND

1. The Collector & the District Magistrate, Warangal District, Warangal.
2. The Joint Collector, Warangal District, Warangal.

.....RESPONDENTS

Counsel for the Appellant: Mr.D.V.NAGARJUNA BABU

Counsel for the Respondents : GP FOR SOCIAL WELFARE

The Court at the stage of admission made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

There is hardly any ground to entertain this appeal against the order passed by the learned Single Judge disposing of Writ Petition No.8427 of 2004 reserving liberty to the writ petitioner-appellant to file appeal before the Government of Andhra Pradesh under the provisions of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificate Rules, 1997. The learned Single Judge while disposing of the Writ Petition also made certain remarks, and, the appellant is aggrieved by those remarks that he would be handicapped in pursuing the remedy of appeal since the appellate authority would feel bound by the observations of the learned Single Judge.

Needless to add that the observations of learned Single Judge may be taken to have been made only for the purpose of disposing of the Writ Petition and not by way of adjudication. The appeal as and when filed by the appellant will have to be heard and decided on its merits uninfluenced by the observations made by the learned Single Judge. Since the appellant did not file appeal, we extend the time of filing appeal by thirty days from the date of the receipt of a copy of our order, and, on filing of the appeal, the same will be heard and decided within a period of two months thereafter by the appellate authority and till filing of the appeal, the operation of the order of District Collector shall remain stayed.

The Writ Appeal is dismissed with the above observations. No costs.

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DEVINDER GUPTA, C.J.

23.2.2005.

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B.SESHASAYANA REDDY, J.

VR.

To

1. The Collector & the District Magistrate, Warangal District, Warangal.
2. The Joint Collector, Warangal District, Warangal.

3. Two CCs to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.